

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

Bky No. 04-40653

ADV No.

In re:

Thomas R. Morin,

Debtor.

Randall L. Seaver, Trustee,

Plaintiff,

COMPLAINT

vs.

Thomas R. Morin

Defendant.

Randall L. Seaver, Trustee ("Trustee") of the Bankruptcy Estate of Thomas R. Morin as and for his Complaint against Thomas R. Morin, ("Debtor-Defendant") states and alleges as follows:

1. Trustee is the duly appointed Chapter 7 Trustee of the bankruptcy estate of the Debtor.
2. This bankruptcy case was commenced on February 11, 2004, by the filing of a voluntary Chapter 7 petition.
3. This adversary proceeding is a core proceeding within the meaning of 28 U.S.C. §157(b)(2).
4. This court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§157 and 1334. This case arises under 11 U.S.C. §§ 541.
5. That, prior to filing his Chapter 7 Petition, Debtor-Defendant became aware that he would be receiving a bonus, calculated as a percentage of his 2003 salary ("Bonus.")
6. The Debtor-Defendant purportedly received the Bonus on the day his voluntary bankruptcy petition was filed and deposited it the next day.

7. That the Debtor-Defendant failed to disclose the Bonus in his bankruptcy schedules and while under oath at his Meeting of Creditors.
8. The Debtor-Defendant has not amended his schedules to reflect the Bonus.
9. That the net amount of the Bonus was \$11,221.29.
10. That, pursuant to 11 U.S.C. §§ 541, the Bonus is property of the Bankruptcy Estate.
11. The amount of the Bonus exceeds the limit imposed by Local Bankruptcy Rule 6072-1 for turn-over motions.

WHEREFORE, Plaintiff respectfully requests that this Court make its Order:

1. Determining that the Bonus is Property the Bankruptcy Estate of the Debtor-Defendant, Thomas R. Morin.
2. Ordering the Debtor-Defendant, Thomas R. Morin, to turnover to the Trustee the amount of \$11,221.29, the amount of the Bonus.
3. Entering judgment against Debtor-Defendant in the amount of \$11,221.29.
4. Awarding the Plaintiff his costs and disbursements in this action and any other or further relief as the court deems just and equitable.

FULLER, SEAYER & RAMETTE, P.A.

Dated: June 28, 2004

By: ___/e/ Roger B. Seaver_____
Roger B. Seaver 251227
Randall L. Seaver 152882
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Burnsville, MN 55337
(952) 890-0888

Attorneys for Plaintiff

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UNSWORN CERTIFICATE OF SERVICE

I, **Roger B. Seaver**, declare under penalty of perjury that on **June 28, 2004** I mailed a copy of the **Summons and Complaint** along with all exhibits thereto first class mail, postage prepaid to each entity named below at the address stated below for each entity:

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Thomas R. Morin
1064 109th Avenue Northeast
Blaine, MN 55304

VIA Regular and Certified Mail

Robert J. Everhart
Attorney at Law
P.O. Box 120534
New Brighton, MN 55112

FULLER, SEAVER & RAMETTE, P.A.

Dated: June 28, 2004

By: /e/ Roger Seaver

Roger B. Seaver 251227
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888